

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NIGEL NOQUAN FREDERICKS,

Petitioner,

-against-

WARDEN AUBURN C.F.,

Respondent.

22-CV-3968 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner Nigel Fredericks filed this petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, challenging his March 2022 conviction. The petition was barely legible, and the Court could not discern the grounds for relief. Petitioner also did not allege that he had exhausted his state court remedies by presenting his grounds for relief to the state court.

By order dated July 11, 2022, the Court directed Petitioner to file an amended petition within 60 days. (ECF 8). That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an amended petition.<sup>1</sup> Accordingly, the petition, filed *in forma pauperis* under 28 U.S.C. § 1915, is dismissed without prejudice for failure to exhaust state court remedies.<sup>2</sup>

Because the petition at this time makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

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<sup>1</sup> The Court received a letter from Petitioner on July 27, 2022, but in the letter, he did not clarify his grounds for relief, indicate that he had exhausted state court remedies, or seek an extension of time to file an amended petition.

<sup>2</sup> The Court again notifies Petitioner that a federal *habeas corpus* petition be filed within one year of the latest of four dates specified in 28 U.S.C. § 2244(d)(1). *See also Reyes v. Keane*, 90 F.3d 676 (2d Cir. 1996).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: September 20, 2022  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge